Jurisdictional Statement

81-1878

Supreme Court, U.S.
FILED
APR 12 1982
ALEXANDER L. STEVAS
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1981

No. _____

Diane Lynn Williams,
-Appellant

V.

Cheetwood & Davies,
-Appellees

APPEAL FROM WOOD COUNTY COURT OF APPEALS
JURISDICTIONAL STATEMENT

Diane Lynn Williams
-Appellant Acting Pro Se
15236 Mitchell Road
Bowling Green, Ohio 43402

QUESTIONS PRESENTED BY THE APPEAL

1. Whether the trial court improperly overruled the *Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams* and ignored the Federal issues of due process of law, the right of access to the courts, and pursuit of happiness contained therein?

2. Whether the appellate court improperly dismissed the appeal based upon an allegedly untimely notice of appeal?

3. Whether the appellate court improperly dismissed the appeal considering Rule 24 of the Federal Rules of Civil Procedure?

LIST OF ALL PARTIES

Parties Plaintiff-Appellee
Cheetwood & Davies

Parties Defendant
Howard A. Williams
Shirley J. Williams

Parties Petitioner-Appellant
Diane Lynn Williams

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Pursuant to Rules 12(1), 12(3), and 15 of the Rules of the Supreme Court of the United States, appellant Diane Lynn Williams files this statement of the bases upon which it is contended that the Supreme Court of the United States has jurisdiction to review the *Decision and Journal Entry* of the Wood County Court of Appeals in this case, and should exercise such jurisdiction herein.

OPINIONS OR ORDERS BELOW

The Decision and Journal Entry of the Wood County Court of Appeals concerning this case is unreported and unpublished. It is included herein as Appendix III-A and may be found on page A-7.

GROUNDS OF JURISDICTION OF SUPREME COURT

This appeal arises from an action to intervene in a case concerning the nonpayment of attorney fees for reasons of his misconduct. The *Decision and Journal Entry* of the Wood County Court of Appeals was filed of record on August 12, 1981. A timely notice of appeal was filed and appeal pursued to the Supreme Court of Ohio. The *Orders* of the Supreme Court of Ohio overruling the *Motion to Certify the Record,* the *Appeal as of Right,* and *Rehearing* on the above were entered on December 9, 1981, and January 13, 1982, respectively. A timely notice of appeal was filed with the Wood County Court of Appeals and the Bowling Green Municipal Court on April 5, 1982.

The jurisdiction of this Court is envoked under the provisions of Title 28, United States Code, Section 1257, providing for the United States Supreme Court review of state court decisions. The cases which support jurisdiction of the Court include:

1. Cuyahoga River Power Co. v. Northern Realty Co. (1917) 244 US 300
2. Cohen v. California (1971) 403 US 15, reh den 404 US 876

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

The Declaration of Independence

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness....

Modern Constitutional Law, Chester Antieau, Volume I, pp. 543

> It can safely be suggested that unreasonable restraints upon the right of access to the courts will be violative of due process of law and unconstitutional.

Fourteenth Amendment to the United States Constitution (Section 1)

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Federal Rules of Civil Procedure, Rule 24 – Intervention

(a) Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of the United States confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

16 OJur 3d, Constitutional Law, §452, Pursuit of Happiness

The pursuit of happiness is declared by the Declaration of Independence to be an inalienable right of man, and the Constitution of Ohio expressly recognizes an inalienable the right of all men to seek and obtain happiness and safety.

STATEMENT OF THE CASE

Diane Lynn Williams, Petitioner-Appellant herein, is the daughter of Howard and Shirley Jo Williams. In October, 1978, John S. Cheetwood was retained by Shirley Jo Williams. John S. Cheetwood was a well-educated, practicing attorney in Bowling Green, Ohio. John S. Cheetwood failed to resolve the farm drainage problems brought to him. On December 1, 1978, James L. and Patricia L. Smith filed a lawsuit against Howard and Shirley Jo Williams. This lawsuit was entitled Case No. 78-CIV-340 in the Wood County Common Pleas Court, Wood County, Ohio. John S. Cheetwood was retained to defend against this action. The *Complaint* of Case No. 78-CIV-340 dealt with an alleged trespass by the Williams' across real property supposedly owned by the Plaintiffs. (Howard Williams had removed obstructions to the surface drainage of the farm.)

Shirley Jo Williams owns 72.5 acres of land adjoining the disputed property. Diane Lynn Williams owns property adjacent to that of her mother. Howard and Shirley Jo Williams asserted implied easement rights across the disputed property for the purpose of surface, subsurface, and natural water drainage. Diane Lynn Williams also had implied easement rights across the disputed property. She utilized the same subsurface tile drainage system considered in Case No. 78-CIV-340. The tile drain crossed the disputed property. (A map of this parcel is included as Appendix V-A, pp. A-15).

From December, 1978, to trial on October 1-3, 1979, many office conferences were held between Howard Williams, Shirley Jo Williams, and John S. Cheetwood. Diane Lynn Williams attended all of the conferences and actively participated in them. Diane Lynn Williams took the photographs used as evidence in the trial of Case No. 78-CIV-340 and prepared a map with other related materials for John S. Cheetwood's

benefit. Diane Lynn Williams presumed that John S. Cheetwood was the family attorney; therefore, representing her interests. He had previously prepared her deeds. John S. Cheetwood at no time informed Diane Lynn Williams that he was *not* representing her. He did not suggest that she retain her own attorney, even though she was of legal majority. Howard and Shirley Jo Williams went to trial on October 1, 1979 with the belief that John S. Cheetwood was representing them as a family, and that this representation included *all* of the real property connected with the lawsuit, not just a portion of it.

The Williams family were naive laymen with no trial court experience. They had not been "briefed" as to court procedure or the scenario which was to unfold. They did not question John S. Cheetwood's instructions for Diane Lynn Williams to remain in the hall during the two and one-half days of trial. The only time Diane Lynn Williams was permitted in the courtroom was as a witness for the defense. Her testimony was limited to her photographs, her background in photography, her knowledge of farming, and painting the Smith's mailbox. She was not named as a party Defendant to Case No. 78-CIV-340. The Court should note that the tile drainage system, in contention in Case No. 78-CIV-340, has its beginning in Diane Lynn Williams' land. This fact should have made Diane Lynn Williams a party to Case No. 78-CIV-340. (Please refer again to the map located in Appendix V-A, pp. A-15).

Diane Lynn Williams asserts her rights guaranteed by the Fourteenth Amendment to the United States Constitution have been violated. Diane Lynn Williams did not receive "lawful notice." She was denied access to the courtroom as a spectator, even though other individuals were awarded that privilege. This was not a closed court to the general public, but it was closed to Diane Lynn Williams. She was not allowed to sit at the

defenses' bar, although her property rights were in jeopardy. Diane Lynn Williams was denied the "opportunity to be heard," another Fourteenth Amendment right. Diane Lynn Williams was not allowed to "face her accusors." She was treated as just another defense witness, nothing more.

Diane Lynn Williams is a competent, lawabiding citizen, who owns real property in her own right, yet she was deprived of her subsurface drainage rights without due process of law. Diane Lynn Williams is a citizen of the United States and of the State of Ohio. In October, 1979, she was twenty-one years of age. She also asserts that the *Judgment Entry* of Case No. 78-CIV-340 is in violation of both Federal and Ohio law regarding implied easements. If the *Judgment Entry* of Case No. 78-CIV-340 is allowed to stand, the Courts will have approved of the violations of the Fourteenth Amendment to the United States Constitution previously mentioned. (Please refer to Appendix II-C, pp. A-4).

As a protest of his unprofessional representation in Case No. 78-CIV-340, Howard and Shirley Jo Williams refused to pay John S. Cheetwood's attorney fees. On December 10, 1980, John S. Cheetwood sued Howard and Shirley Jo Williams for these alleged fees. This action became Case No. 80-CVF-613 in the Bowling Green Municipal Court, Bowling Green, Ohio. Diane Lynn Williams wished to intervene in this case. She wanted to protest John S. Cheetwood's conduct and his deceptive lack of representation of her interests. John S. Cheetwood's position in Case No. 80-CVF-613 was that he did not represent Diane Lynn Williams or her real property in Case No. 78-CIV-340. The Court is respectfully requested to note the location of Diane Lynn Williams' real property. John S. Cheetwood ignored the fact that Diane Lynn Williams' property is located within the 80-acre parcel in dispute. Diane Lynn Williams must voice indignation concerning the violations of her

United States Constitutional Rights by John S. Cheetwood.

Having lost faith in attorneys, she has taken it upon herself to intensively study the law and proper court procedure so that she may act pro se. She has exhausted the State judicial system, and has found nothing but "closed doors" and "deaf ears." At the age of twenty-three years, Diane Lynn Williams is seriously questioning whether the "system" works!!

Case No. 80-CVF-613 was instigated early in her legal studies. Diane Lynn Williams made mistakes in preparing a *Motion to Intervene.* The Honorable James W. Bachman was the elected judge of the Bowling Green Municipal Court. He was subpoenaed as a defense witness. The Honorable William R. McMahon was assigned to preside over Case No. 80-CVF-613. The Hon. William R. McMahon ruled that Diane Lynn Williams' *Motion to Intervene* did not comply with Civil Rule 24, and he could not see her interest in the case. (A portion of the pre-trial transcript is included herein as Appendix II-B, pp. A-3). Thus, he overruled the *Motion to Intervene.* (This pre-trial *Order* is included herein as Appendix II-A, pp. A-2). Judge William R. McMahon took a very narrow scope of the case, ruling it was for attorney fees owed by Howard and Shirley Jo Williams. He was not interested in why the money had not been paid, or that said fees were fair. His viewpoint was that an attorney was always right, and the client was always wrong.

To correct her previous mistakes, Diane Lynn Williams filed a *Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams* pursuant to Civil Rule 60(B). The *Memorandum* filed with this *Motion* contained several Federal and Ohio Constitutional questions. Judge William R. McMahon promptly overruled this Civil Rule 60(B) *Motion.* The reasons given stated simply that the Court had made up its mind

and refused to reverse itself.

The *Memorandum in Support of Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams* detailed the facts concerning her intervention into Case No. 80-CVF-613. This *Memorandum* quoted many sections of Ohio law and parts of the transcript of Case No. 78-CIV-340. Federal Constitutional law was also cited. Some of the Federal law was included in this *Memorandum* by quoting Ohio law through *Ohio Jurisprudence.* A case in point is that of 16 OJur 3d, Constitutional Law, §452, Pursuit of Happiness. This section referred to the *Declaration of Independence* and the right of people to obtain happiness and safety. The Fourteenth Amendment to the United States Constitution, providing for "due process of law" and "equal protection of the laws," was cited separately, but not quoted. The citation of the Fourteenth Amendment may be found on page 7 of the *Memorandum in Support of Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams.* (This *Memorandum* is not included herein, but will be furnished upon request). The Federal question concerning "access to the courts" was brought forth in the *Memorandum* on page 5 by quoting *Modern Constitutional* Law, Volume 1, page 543, by Chester Antieau. These Federal Constitutional provisions and Ohio laws were ignored in the Honorable William R. McMahon's *Order* filed of record on June 17, 1981. (For a copy of this *Order,* please refer to Appendix I-A, pp. A-I).

A timely *Notice of Appeal* was filed in the Bowling Green Municipal Court concerning the Order overruling the *Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams.* R. Nigel Davies is the attorney for, and law partner of, John S. Cheetwood. R. Nigel Davies filed a *Motion to Dismiss Appeal* and *Memorandum in Support of Motion to Dismiss* before the record had been filed, and before the assignments of

error were due. This *Motion* contended that the *Order* appealed from was not a final appealable order. Diane Lynn Williams answered with a *Response in Opposition to Motion to Dismiss Appeal.* Without oral argument, or other provisions concerning "due process of law," the Appeal was dismissed. This dismissal failed to rule upon the Federal issues presented in the trial court. The Appellate Court concluded that the *Order* appealed from was a final appealable order. The alleged grounds cited in the *Decision and Journal Entry* concerned the timely filing of the *Notice of Appeal.* There was no *Notice of Appeal* filed on the original *Motion to Intervene.* The Appellate Court concluded that since the original decision had not been appealed, that the Court lacked jurisdiction to hear the appeal of the *Motion for Relief of Order Denying Motion to Intervene by Diane Lynn Williams.* (For a copy of this *Decision and Journal Entry,* please refer to Appendix III-A, pp. A-7).

The Appellate *Decision and Journal Entry* also cited Rule 24 of the Federal Rules of Civil Procedure. This rule provides for the intervention of persons not named as parties in an action. The citation of this Federal Rule should also raise a federal question.

An appeal was pursued to the Supreme Court of Ohio. That Court declined jurisdiction to hear either the *Certification of the Appellate Court's Record,* or the *Appeal as of Right.* (These *Orders* are included as Appendices III-C and III-D, pp. A-10 and A-11). The *Motion for Rehearing* was denied on January 13, 1982. (This *Order* is included as Appendix III-B, pp. A-9). This case now comes before the United States Supreme Court to determine Diane Lynn Williams' property rights, Constitutional Rights, and grievances against John S. Cheetwood.

SUBSTANTIALITY OF FEDERAL QUESTIONS

This appeal presents important and substantial

questions, as hereinafter described, in that Diane Lynn Williams has been "closed out" of Court twice. She was denied "due process" in Case No. 78-CIV-340, and she was not allowed to complain about it in Case No. 80-CVF-613. Judge William R. McMahon was informed of the violations of Diane Lynn Williams' Constitutional Rights under the Fourteenth Amendment to the United States Constitution, but refused her intervention. The Appellate Court chose not to hear the appeal, so it "doubletalked" its way out of it. The United States Constitution is supposed to be the "supreme law of the land." In Ohio the Courts are ignoring this document, thereby preventing the citizens of that state from obtaining the Constitution's protections and immunities. For this reason, it is imperative that the United States Supreme Court review this case.

CONCLUSION

For the reasons stated above, petitioner-appellant submits that this appeal brings before the Court substantial federal questions and federal constitutional issues which require plenary consideration, with briefs on the merits and oral argument, for their resolution.

The petitioner-appellant, acting pro-se, hereby certifies that she has prepared the foregoing *Jurisdictional Statement* on this 12th day of April, 1982, and that all statements are true and accurate to the best of her knowledge. This document is very respectfully submitted to the United States Supreme Court for its consideration.

Dated April 12, 1982.

Diane Lynn Williams
15236 Mitchell Road
Bowling Green, Ohio 43402

AFFIDAVIT OF SERVICE

I, Diane Lynn Williams, appellant herein, acting pro se, hereby certifies that on April 12, 1982, pursuant to Rule 28(3), Rules of the Supreme Court, I served 3 copies of the foregoing *Jurisdictional Statement* with appendices on each of the parties herein as follows:

On Cheetwood & Davies, appellees herein, by depositing such copies in the United States Post Office, Bowling Green, Ohio, with first class postage prepaid, certified mail, return receipt requested, properly addressed to the post office address of R. Nigel Davies, the above named appellees' counsel of record at 317 North Main Street, Bowling Green, Ohio 43402.

On Howard A. Williams and Shirley Jo Williams, defendants herein, by depositing such copies in the United States Post Office, Bowling Green, Ohio, with first class postage prepaid, properly addressed to the post office address of Howard and Shirley Jo Williams, who are acting pro se, at 15236 Mitchell Road, Bowling Green, Ohio 43402.

All parties required to be served have been served.

Dated April 12, 1982.

Diane Lynn Williams

Diane Lynn Williams
15236 Mitchell Road
Bowling Green, Ohio 43402

Sworn to before me and subscribed in my presence this 12th day of April, 1982.

LINDA M. FERGUSON
Notary Public, State of Ohio
My Commission Expires Feb. 19, 1987

Linda M. Ferguson

Notary Public

Appendix

Appendix I-A

IN THE BOWLING GREEN MUNICIPAL COURT
BOWLING GREEN, OHIO

Cheetwood & Davies
Plaintiff

Case No.
80-CF-V-613

vs

Howard A. Williams, et al
Defendant

ORDER

This day this matter came on for consideration of the court on the motion for relief of order denying motion to intervene by Diane Lynn Williams and upon memorandum in support of motion and after a careful pursual the court finds that Diane Lynn Williams is not a party to this suit nor does she have any interest in the subject matter of the suit, to wit, the collection of an account of attorney fees allegedly owed to plaintiff by Howard A. Williams and Shirley Jo Williams and wherefore;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the motion filed by Diane Lynn Williams is not well taken and it is overruled, the court finding no error in its' previous order denying the motion to intervene by Diane Lynn Williams.

As to all other matters the cause is continued.

William R. McMahon, Judge
Sitting by Assignment

Appendix II-A

Civ. R. 16

MUNICIPAL COURT, BOWLING GREEN, OHIO

Cheetwood & Davies — **No. 80-CVF-613**
Plaintiff(s)

v. — **JOURNAL ENTRY**

Howard A. Williams, et — (Pretrial Conference -
Defendant(s) — Civ. R. 16)

1. APPEARANCES for pretrial conference: Mr. Cheetwood, Mr. Davies, Howard A. Williams, Shirley Jo Williams, and Diane L. Williams.

2. ORDERED that:

(1) Motion to Intervene by Diane Williams denied.

(2) Withdrawal motion of Mr. Pollex granted.

(3) Agreement and stipulation for waivers of notice and to depositions of (1) Howard A. Williams; (2) Shirley J. Williams and (3) John Cheetwood on 4/16/81 at 1:00 p.m. at Wood County Court House. Court Reporter's office.

(4) Defendant agrees to review witness list and file new list and reasons for calling by 4/22/81.

(5) Motion in Limine - continued allowing defendant to 4/22/81 to supplement above list and ruling would follow in mail.

(6) Leave given to amend motion for sanctions in light of scheduled depositions in order (3).

_____ (X if applicable) the "Additional Order," attached hereto, is incorporated herein.

FURTHER ORDERED that the clerk of this court is to file this entry, serve copies by ordinary mail on the parties and trial attorneys, and so note the records.

Dated: 4/15/81 — William R. McMahon
Judge

Appendix II-B

IN THE BOWLING GREEN MUNICIPAL COURT
BOWLING GREEN, OHIO

Cheetwood & Davies Attorneys at Law 317 North Main Street Bowling Green, Ohio 43402 Plaintiffs,	:	
vs.	:	
Howard A. Williams 15236 Mitchell Road Bowling Green, Ohio 43402	:	**Case No.** **80-CV-F-613**
and	:	
Shirley Jo Williams 15236 Mitchell Road Bowling Green, Ohio 43402 Defendants.	:	

***

TRANSCRIPT OF APRIL 15, 1981 PRE-TRIAL -
page 8

The Court: The Motion to Intervene, really it comes down to the fact that you want to represent Shirley and Howard. At least that's what I see as being the purpose.

Mrs. Williams: She also has an interest to represent herself.

The Court: As far as the subject matter of this lawsuit, I don't see that interest; and I don't see it complying with Rule 24. And accordingly, we'll overrule the Motion to Intervene.

Appendix II-C

IN THE COMMON PLEAS COURT
OF WOOD COUNTY, OHIO

James L. Smith et al.,
Plaintiffs,

Case No. 78-CIV-340

//

vs.
Howard Williams et al.,
Defendants.

FINAL
JUDGMENT ENTRY

This cause came on for hearing October 1, 1979 before the Honorable Donald D. Simmons, Judge, and a jury consisting of the following persons: Chester Kadas, Linda Whitney, Ralph Francisco, Lloyd Culbertson, Claudette Davis, Yvonne Mower, Joan Jeffers Tonjes, Linda Myers and Alternate Juror Jane Seeley.

Present in Court were the parties, with the plaintiffs being represented by Attorney Martin Smith and the defendants being represented by Attorney John S. Cheetwood and Attorney Rex Huffman.

Prior to trial the following Exhibits were marked for purposes of identification: Plaintiffs' Exhibit 1, through 5 and Defendants' Exhibits A-1 through N-2. Motion for separation of witnesses was concurred in by both plaintiffs and defendants and the same was granted.

The jury heard the opening statements of counsel, after which they were conveyed for the jury view, a motion having been made for a view by the plaintiffs and granted by the Court. Thereupon, the jury view having been concluded, the jury heard testimony from the following witnesses: James Smith, Patricia Smith, Shirley Jo Williams as upon cross examination, Mark Bushman, and Bill Hofner. Plaintiffs moved for the ad-•

mission of Plaintiffs' Exhibits 1 through 5 and Plaintiffs' Exhibit 1 was admitted over the objection of defense counsel, while Plaintiffs' Exhibits 2 through 5 were admitted without objection. Plaintiffs thereupon rested.

Thereupon defendants moved for a directed verdict, and following the arguments of counsel, the Court withheld ruling on whether or not the plaintiffs had proved trespass on the part of Shirley Jo Williams or Howard Williams and found that maximum damages in the amount of $1,000 had been presented to the jury. The court found that malice had not been proved on the plaintiffs' case in chief and granted a directed verdict on that issue. The Court further ruled that right to possession of the property had been admitted by defendants.

Thereupon defendants presented evidence through the following witnesses: Gene Nagle and Diane Williams, after which the Court adjourned at 4:25 P.M. for the day, at the conclusion of the direct examination of Diane Williams.

Court readjourned on October 2, 1979 and the defendants presented further evidence through the following witnesses: Conclusion of the testimony of Diane Williams, Howard Williams, Liz Bivins and John Heyman. Defendants moved for the admission of Defendants' Exhibits A-1 through A-4, Defendants' Exhibits C through H-5, Defendants' Exhibits M-3 and N-1 through N-2. Defendants' Exhibits B-1 through B-3, I-1 through 1-6, J, K, L, M-1 and M-2 were withdrawn by counsel for the defendants. There being no objection, Defendants' Exhibits C through H-5 were admitted, Defendants' Exhibits M-3, N-1 and N-2 were admitted, and over the objection of plaintiffs, Defendants' Exhibits A-1 and A-2 were admitted. Defendants' Exhibits A-3 and A-4 were rejected.

Thereupon defendants rested and plaintiffs moved for directed verdict on the defendants' counterclaim.

Following arguments, the Court granted a directed verdict in favor of the plaintiffs on the issues of punitive damages, weeds as a nusiance, and trespass concerning the septic tank drain.

Thereupon the plaintiffs presented the following witnesses upon rebuttal: Donald McNeely, Kenneth C. Dean, Jr., during whose testimony Plaintiffs' Exhibit 6 was identified, Pete Gonyer, Doug McKnight.

Thereupon both the plaintiffs and the defendants rested, and plaintiffs moved for the introduction of Plaintiffs' Exhibit 6, which was rejected.

Defendants renewed their motion for directed verdict and the Court held that trespass on the part of Shirley Jo Williams and Howard Williams was a jury question and reaffirmed that money damages to plaintiffs were limited by the evidence to $1,000. Thereupon the Court adjourned.

Court readjourned October 3, 1979, whereupon the jury heard the closing arguments of counsel and the charge of the Court, after which the jury deliberated and returned a verdict on the Plaintiffs' complaint in behalf of plaintiffs in the amount of $1,000 and a verdict on the defendants' counterclaim in favor of the plaintiffs.

It is, therefore, ORDERED AND JUDGMENT RENDERED on the Jury Verdict in favor of the plaintiffs, James L. Smith and Patricia Smith and against the defendants Howard Williams and Shirley Jo Williams in the amount of $1,000.00 on the plaintiffs' complaint and in favor of the plaintiffs James L. Smith and Patricia Smith on the defendants' counterclaim. The costs of this action shall be taxed to the Defendants and this cause is hereby concluded.

A copy of this judgment entry to counsel of record.

October 10, 1979	Donald D. Simmons
Date	Judge

Appendix III-A

IN THE COURT OF APPEALS OF WOOD COUNTY

Cheetwood & Davies, Attorneys APPELLEES	**COURT OF APPEALS NO.**
-vs-	**WD-81-48**
Howard A. Williams & Shirley Jo Williams APPELLANTS	**TRIAL COURT NO. 80-CVF-613**
Date: August 11, 1981	**DECISION AND JOURNAL ENTRY**

This cause came to be heard upon appellees' motion to dismiss the appeal and memorandum in support thereof, appelles have moved to dismiss on the ground that the order appealed from, denying appellant's motion for relief from the order denying appellant's motion to interviews under Civ. R. 24, is not a final appealable order. Our review of the record reveals that (1) the order denying appellant's motion to intervene was filed April 16, 1981, (2) the notice of appeal was filed July 15, 1981, (3) and the order denying the motion for relief from the order denying the motion to intervene was filed June 17, 1981.

Since the motion for relief from the order did not stay the time for filing the notice of appeal (see App. R. 4(A); Pitts v. Dept. of Transportation (1981), 67 Ohio St. 2d 378), we find that the notice of appeal was not timely filed as required by App. R. 4(A). Finding this court without jurisdiction to hear this appeal, we hereby dismiss the appeal. We note, however, that the denial of a motion to intervene under Rule 24 of the Federal Rules of Civil Procedure has been held to be a final appealable order where the intervention was a matter of

right. See Wheller v. American Home Products (1977), 582 F. 2d 891.

Cause is remanded to the Bowling Green Municipal Court for assessment of costs to appellants.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. See also Supp. R. 4, amended 1/1/80.

John J. Connors, Jr., P.J., Andy Douglas, and John H. Barber, JJ., concur.

John J. Connors, J.
Presiding Judge

Andy Douglas
Judge

John H. Barber
Judge

Appendix III-B

THE SUPREME COURT OF THE STATE OF OHIO

THE STATE OF OHIO,
City of Columbus.

1982 TERM

To wit: January 13, 1982

Cheetwood & Davies,
Appellees,
vs.
Howard Williams et al.,
Appellants.

No. 81-1565

REHEARING

It is ordered by the court that rehearing in this case is denied.

I, THOMAS L. STARTZMAN, of Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry was correctly copied from the records of said Court, to wit, from Journal No. _____ Page _____
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court this 13th day of January 1982

THOMAS L. STRATZMAN, Clerk.

By Sam F. Jenkins, Deputy.

Appendix III-C

THE SUPREME COURT OF OHIO

THE STATE OF OHIO,
City of Columbus.

1981 TERM
To wit: December 9, 1981

Cheetwood & Davies,
Appellee,

vs.

Howard A. Williams,
et al.,
Appellants

No. 81-1565

MOTION FOR AN ORDER DIRECTING THE COURT OF APPEALS *for Wood County* **TO CERTIFY ITS RECORD**

It is ordered by the Court that this motion is overruled.

COSTS:

Motion Fee, $20.00, paid by Diane L. Williams.

I, Thomas L. Startzman, Clerk of the Supreme Court of Ohio, certify that the foregoing entry was correctly copied from the Journal of this Court.

Witness my hand and the seal of the Court this day of Jan. 13, 1981

THOMAS L. STARTZMAN, CLERK

Sam F. Jenkins, Deputy

Appendix III-D

THE SUPREME COURT OF OHIO

THE STATE OF OHIO,
City of Columbus.

1981 TERM
To wit: December 9, 1981

Cheetwood & Davies,
Appellee,
vs.
Howard A. Williams et al.,
Appellants.

No. 81-1565
APPEAL FROM THE COURT OF APPEALS
for Wood County

This cause, here on appeal as of right from the Court of Appeals for Wood County, was heard in the manner prescribed by law, and, no motion to dismiss such appeal having been filed, the Court sua sponte dismisses the appeal for the reason that no substantial constitutional question exists herein.

It is further ordered that a copy of this entry be certified to the Clerk of the Court of Appeals for Wood County for entry.

I, Thomas L. Startzman, Clerk of the Supreme Court of Ohio, certify that the foregoing entry was correctly copied from the Journal of this Court.

Witness my hand and the seal of the Court this day of Jan. 13, 1981
THOMAS L. STARTZMAN, Clerk

Sam F. Jenkins, Deputy

Appendix IV-A

IN THE COURT OF APPEALS OF
WOOD COUNTY, OHIO
SIXTH APPELLATE DISTRICT
AND
IN THE BOWLING GREEN MUNICIPAL COURT,
BOWLING GREEN, OHIO

Cheetwood & Davies,	:	
Plaintiff-Appellees,	:	Bowling Green Municipal Court Case No.
vs.	:	80-CV-F-613
Howard A. Williams	:	
and	:	Sixth District Court of
Shirley Jo Williams	:	Appeals, Toledo, Ohio
Defendants,	:	Case No. WD-81-48
with	:	
Diane Lynn Williams,	:	Ohio Supreme Court
Petitioner-Appellant.	:	

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NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Diane Lynn Williams, the above-named petitioner-appellant, hereby appeals to the Supreme Court of the United States from the *Decision and Journal Entry* of the Wood County Court of Appeals rendered on August 11, 1981 and filed of record on August 12, 1981. The *Order* of the Supreme Court of Ohio denying rehearing on the *Motion to Certify the Record* and the *Appeal as a Matter of Right* was entered on January 13, 1982 and filed in the Wood County Court of Appeals on January 14, 1982.

This appeal is taken pursuant to Title 28, United States Code, Section 1257, subparagraph (1).

The petitioner-appellant is pursuing this appeal personally as provided by Title 28, United States Code, Section 1654.

Dated April 5, 1982.

Diane Lynn Williams
15236 Mitchell Road
Bowling Green, Ohio 43402

PROOF OF SERVICE

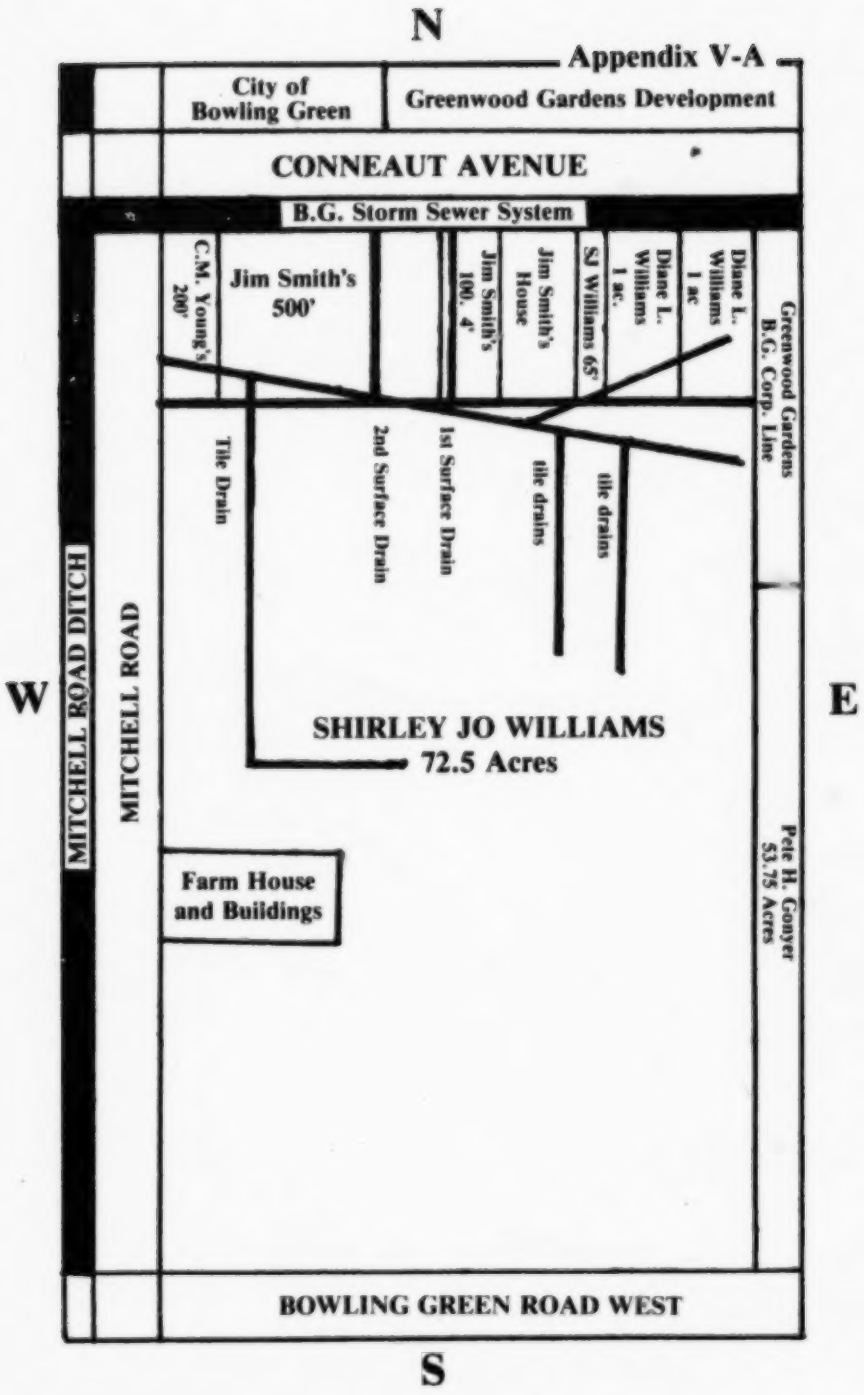
I, Diane Lynn Williams, appellant herein, acting pro se, hereby certifies that on April 5, 1982, pursuant to Rule 28(3), Rules of the Supreme Court, I served a copy of the foregoing *Notice of Appeal to the Supreme Court of the United States* on each of the parties herein as follows:

On Cheetwood & Davies, appellees herein, by depositing such copy in the United States Post Office, Bowling Green, Ohio, with first class postage prepaid, certified mail, return receipt requested, properly addressed to the post office address of R. Nigel Davies, the above named appellees' counsel of record at 317 North Main Street, Bowling Green, Ohio 43402.

On Howard A. Williams and Shirley Jo Williams, defendants herein by depositing such copy in the United States Post Office, Bowling Green, Ohio, with first class postage prepaid, properly addressed to the post office address of Howard and Shirley Jo Williams, who are acting pro se, at 15236 Mitchell Road, Bowling Green, Ohio 43402.

All parties required to be served have been served. Dated April 5, 1982.

Diane Lynn Williams
15236 Mitchell Road
Bowling Green, Ohio 43402
Telephone: (419) 352-2477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Appendix V-A
City of Bowling Green
Greenwood Gardens Development
CONNEAUT AVENUE
B.G. Storm Sewer System
C.M. Young's 200'
Jim Smith's 500'
Jim Smith's 100. 4'
Jim Smith's House
SJ Williams 65'
Diane L. Williams 1 ac.
Diane L. Williams 1 ac
Greenwood Gardens B.G. Corp. Line
Tile Drain
2nd Surface Drain
1st Surface Drain
tile drains
tile drains
MITCHELL ROAD DITCH
MITCHELL ROAD
W
E
SHIRLEY JO WILLIAMS
72.5 Acres
Farm House and Buildings
Pete H. Gonyer 53.75 Acres
BOWLING GREEN ROAD WEST
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